



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

CHANANIA

SWER-98-0559

SEP 29 1998

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Mr. Richard D. Stoll, Esq.
Freedman, Levy, Kroll & Simonds
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5366

Dear Mr. Stoll:

Thank you for your September 1, 1998 letter expressing concern about notice and comment issues that you believe have arisen in connection with the maximum achievable control technology rulemaking for hazardous waste combustors (MACT HWC rule). Specifically, you note that based on trade press materials and conversations with Agency staff, the Agency may be considering emissions standard-setting procedures that have not have been adequately noticed to the public for review and comment.

First, I would like to offer my appreciation for the time and effort you and your colleague stakeholders have spent in reviewing and extensively commenting on the eight Federal Register notices published over the last four years, and for your active participation in the many stakeholder meetings held to discuss the issues raised in these notices and by stakeholder comments.

Your letter mentions two areas in which you believe the Agency may not have complied fully with the Administrative Procedure Act, should these approaches be included in the final MACT HWC rule. You also believe that certain differences in approach between the MACT HWC rule and the proposed rule for non-hazardous waste burning cement kilns have not been adequately discussed or noticed for comment. On the latter issue, the differences between the two rules stem largely from the fact that cement kilns covered by the HWC rule burn hazardous waste rather than conventional fuels and are currently subject to different emissions controls. These differences in approach have been fully considered by the Agency and will be discussed in the final HWC rule. Regarding the other areas mentioned in your letter, I would like to express our view that the Agency has complied fully with the Administrative Procedure Act and that we intend to continue complying with these obligations. As the many notices and stakeholder meetings attest, we are committed to ensuring a fair and reasonable opportunity for the public to have input into the

rulemaking process.

If you have further questions or comments regarding the hazardous waste combustor MACT standards, please feel free to contact David Hockey, Project Director, National Hazardous Waste Combustion Strategy, at (703) 308-8846.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Shapiro".

Michael Shapiro
Acting Deputy Assistant Administrator